

MONTANA ASSOCIATION OF PLANNERS
Legislative Committee
2013 Legislative Session

Summary comments regarding: SB 146, "AN ACT REVISING CRITERIA FOR LOCAL SUBDIVISION REVIEW TO REQUIRE THAT INFORMATION SUBMITTED BY A GOVERNMENTAL ENTITY BE SUPPORT BY SCIENTIFIC INFORMATION; REQUIRING A GOVERNMENTAL ENTITY THAT HAS BEEN INVOLVED IN CERTAIN PROPERTY ACQUISITION EFFORTS TO DISCLOSE THAT INFORMATION TO THE LOCAL GOVERNING BODY..."

Senate Local Government Committee; January 22, 2013

SECTION 76-3-608

Section 76-3-608, (3) (a) requires that a governing body review the following primary criteria for all subdivisions: the impacts on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety. MAP is concerned that this amendment singles out government agencies that are involved with wildlife and the natural environment and ignores the other five criteria. MAP would also disagree that comments received from wildlife agencies are not already supported by scientific information. MAP would contend that planning departments around the state already receive comments from wildlife and natural environment agencies that in many instances include maps, wildlife statistics, and references scientific studies. As such, it appears that creating a new paragraph within Section 76-3-608 is not necessary.

MAP is also concerned that "best available scientific information" is not defined within the language of the amendment. Planning Boards and local governing bodies will be caught in a quagmire of having to define and defend what they believe is the "best available scientific information". MAP is also concerned that without a definition of "best available scientific information", more subdivision decisions will end up in court.

However, if SB 146 is to move forward, at a minimum, it should also require that everyone, including the applicant, must provide the "best available scientific information" in support of their comments. The new language should also include that the developer provide the "best available scientific information" with their application.

It appears to MAP that the proposed legislation is singling out public agencies that deal with the natural environment, including wildlife, while ignoring the fact that other public agencies submit comments that significantly impact a proposed subdivision. It is MAP's position that the proposed language is trying to "fix" a problem with certain public agencies that does not exist.